

Stricter fines for cutting trees

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GAZETTE

Tougher penalties OK'd for clearing protected land

by Peggy Vaughn

Staff Writer

Homeowners may think twice about removing unwanted trees after the County Council decided unanimously on Tuesday to triple fines and add possible jail time for cutting down trees on protected lands.

"We've had a pretty good forest conservation law for a

long time, [but] we were not aware it lacked teeth," said Councilman Steven A. Silverman (D-At large) of Silver Spring. "We're taking a major step forward in putting teeth into a law that's good for Montgomery County."

The bill increases the fines property owners pay from a maximum of \$1 per square foot to a minimum of \$3 per square foot if they remove trees from protected areas, and included a provision for criminal penalties of a \$1,000 fine and six months of jail time.

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"Criminal penalties do indeed apply," said Councilwoman Nancy M. Floreen (D-at large) of Garrett Park.

The idea is not so much to penalize as to prevent future transgressions, she said in a telephone interview Monday.

"It was very evident there were very few disincentives to people committing major invasions into conservation areas," Floreen said. "We hope to stop this from happening again by making it crystal clear that criminal sanctions can be sought."

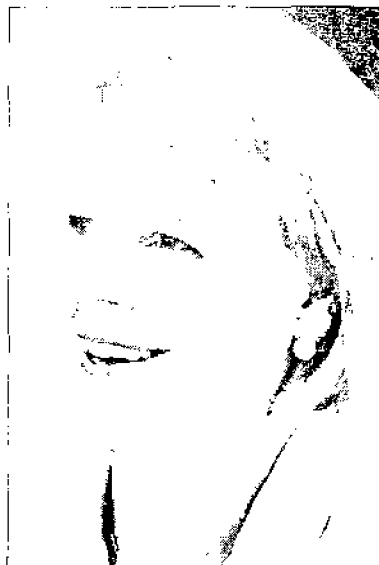
The changes are based on recommendations made by the C&O Canal Stewardship Task Force, an advisory group formed in June by U.S. Rep. Christopher Van Hollen Jr. (D-Dist. 8) of Kensington.

The group was tasked with finding ways to better protect the C&O Canal following the public outcry over the cutting of 130 trees along the canal at the estate of Washington Redskins owner Daniel M. Snyder in late 2004.

In a settlement reached with the Maryland-National Capital Park and Planning Commission in August, Snyder agreed to pay \$37,000 toward forest conservation elsewhere in the county, replant the trees he cut down and place five acres of his property in a permanent conservation easement.

But the agreement upset those who thought the fines were too little, too late.

The task force used the incident



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as a springboard to examine whether the county and the National Park Service have adequate enforcement tools. Both the county and the park service have scenic

easements protecting woodlands along the Potomac River.

"The intent is to preserve these areas for everyone and not to allow just a few homeowners to benefit from them," Van Hollen said Tuesday in a phone interview.

The task force not only recommended increasing the maximum civil penalty paid, but that the penalty could go as high as \$9 per square foot.

Under the new bill, removing trees from one acre would result in fines ranging from \$130,000 to \$392,000.

The county would take into consideration such factors as the willfulness of the violation, the impact on the environment and the ability of the homeowner to pay, Floreen said Monday.

"The real issue is deterrence," she said. "I hope we never have to get to this level of enforcement. But these are important priorities for the county, the conservation of our forests."

The council also voted to increase "in-lieu" fees used to reforest county lands from 30 cents to 90 cents per square foot. The increase is needed to cover the rising cost of planting and maintaining forests.

The task force will continue to meet to look at ways of improving state and federal forest conservation laws, Van Hollen said.